PATENT

Attorney Docket No.: FUSI-05500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Art Unit: 2141
	)
Tu et al.	)
	) Examiner: Coulter, Kenneth R
Serial No.: 09/618,956	)
	)
Filed: July 19, 2000	) **TRANSMITTAL LETTER**
	)
For: **REMOTE ACCESS**	)
COMMUNICATION	) 162 N. Wolfe Road
ARCHITECTURE	) Sunnyvale, CA 94086
APPARATUS AND	) (408) 530-9700
METHOD	)
	) Customer No. 28960

MS: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed please find a Reply Brief in Response to the Examiner's Answer mailed May 1, 2008 and a Power of Attorney and Revocation of Prior Powers of Attorney, for filing in the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: June 27, 2008

By: _____
Jonathan O. Owens
Reg No.: 37,902

Attorneys for Applicants

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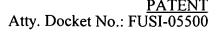
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Sir:

In reply to the Examiner's Answer mailed on May 1, 2008, this Reply Brief is hereby submitted to the Board of Patent Appeals and Interferences in compliance with the requirements of 37 C.F.R. § 41.41. Claims 1-18 (including the independent Claims 1, 12 and 16) have been rejected.

The Examiner has improperly rejected Claims 1-11 under 35 U.S.C. §112, first paragraph and 35 U.S.C. §101. Furthermore, Claims 1-9 and 12-18 have been improperly rejected under 35 U.S.C. §102.

Appellants contend that the rejection of Claims 1-11 under 35 U.S.C. §112, first paragraph is in error and should be overcome by the appeal in the application referenced above. Furthermore, the rejection of Claims 1-11 under 35 U.S.C. §101 is also in error and should be overcome by the appeal in the application referenced above. Additionally, the rejection of Claims 1-9 and 12-18 under 35 U.S.C. §102 is in error and should be overcome by the appeal in the application referenced above. In view of the foregoing, Appellants respectfully submit this Reply Brief, wherein:

the **STATUS OF THE CLAIMS**, begins on page 2;
the **GROUNDS FOR REJECTION**, begin on page 3; and
ARGUMENTS, begin on page 4 of this paper.

STATUS OF THE CLAIMS

Claims 1-18 are pending in this case.

Claims 1-11 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-11 stand rejected under 35 U.S.C. § 101, as lacking patentable utility.

Claims 1-9 and 12-18 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,757,712 to Bastian (hereinafter Bastian).

Within the Appeal Brief, Claims 1-18 are appealed.

GROUNDS OF REJECTION AND MATTERS TO BE REVIEWED ON APPEAL

The following issues were presented in the Appeal Brief for review by the Board of Patent Appeals and Interferences:

1. Whether Claims 1-11 are properly rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

2. Whether Claims 1-11 are properly rejected under 35 U.S.C. § 101, as lacking patentable utility.

3. Whether Claims 1-9 and 12-18 are properly rejected under 35 U.S.C. § 102 (e) as being anticipated by Bastian.

ARGUMENT

I.   SUMMARY OF THE CLAIMED INVENTION

The invention disclosed in the present application number 09/618,956 is directed to "an apparatus and method for implementing a communication architecture for remotely accessing a computer by means of a remote device without the need for special software applications on the remote device." (Specification, p. 1, lines 21-25). Specifically, as described previously, specialized remote access software systems to establish a direct connection between a remote computer and a base computer were known at the time of the invention, for example, Remote Access Server ("RAS") and Remote Control System ("RCS"). As also described previously, RAS and RCS have several issues.

The present invention overcomes these issues by providing a secure connection between a remote computing device and a base computing device using an open application standard such as a conventional web browser. (Specification, p. 6, lines 5-9) The present invention accomplishes this by routing communications through a central server 12 (Fig. 1).

As shown in Figure 1 and as recited in Claims 1-18, a system is provided whereby a user of a remote device 16 contacts the central server system 12 in order to perform desired tasks on a base computer 14. "Such tasks may include checking email on the base computer, obtaining files from the base computer, copying files from the remote computer to the base computer, or accessing an address book on the base computer." (Specification, p. 7, lines 1-4) The central server system 12 waits for contact by a base computer 14. Once contacted by the base computer 14, the central server system 12 relays the requested tasks to the base computer 14, which in turn performs the requested tasks and returns the requested information, if any, to the central server system 12. The central server system 12 then relays the information to the remote device 16.

In order to enable secure communications between the remote device and base computer, even where the base computer is located behind a firewall, a communications session is established initially by contact from the base computer itself. The application states:

> The base computer 14, via an agent installed thereon, will contact the central
> server 12 from time to time to determine if a remote user session has been
> established...Thus, the base computer 14 intermittently contacts the central server
> system 12 to determine whether the central server system 12 has established a
> session with a remote user. When a session has been established between a
> remote device 16 and the central server system 12, the central server system 12
> replies to the base computers next intermittent contact with an IP address and port
> number for the base computer 14 to establish a socket connection with a server in

the central server system 12. The IP address and port number correspond to a server in the central server system 12 handling the particular session task requests. That socket connection will be maintained between the base computer 14 and the server until the server ends the session or a predefined timeout period expires. (Specification, p. 13, lines 1-16)

The invention recited in Claim 1 relates to "a method for remotely accessing a base computer form Internet-enabled remote devices wherein the remote devices do not include remote access server or remote control system software." The specification at page 6, lines 13-20, and as shown in Figure 1, discloses where a remote device, such as a laptop computer, contacts a base computer. The remote device <u>does not include</u> <u>*remote access server software*</u> or <u>*remote control system software*</u>, but rather uses <u>a conventional web browser</u> in order to affect contact with the base computer.

Claim 1 further recites, " establishing a remote access session with one of the remote devices at an internet central server system." As set forth in the specification, at least at page 18, lines 4-18, and as shown in Figures 1 and 4, a remote access session with a central server 12 may be established via a remote device 16.

Claim 1 further recites, "presenting a task list to the remote device from said central server system; receiving a task selection at said central server system from the remote device." As set forth in the specification at least at page 18, line 18 through page 19, line 6, and as shown in Figures 1 and 4, the remote device 16 is presented with a list of possible tasks, and that the user selects a task and that the selection of the task is received at the central server system 12.

Claim 1 further recites, "establishing a persistent connection between said central server system and a base computer in response to intermittent contact from said base computer to said central server system." As set forth in the specification at least at page 17, lines 4-15, and as shown in Figures 1 and 4, the base computer 14 will intermittently contact central server 12 to determine if a remote session has been established. If so, a remote session has been established. Base computer 14 then establishes the specified socket connection and awaits the tasks.

Claim 1 further recites, "transmitting said task from said central server system to the base computer via said connection between said central server system and said base computer; receiving at said central server system task data from the base computer responsive to said transmitted task; and presenting from said central server system a task response compiled from said task data to the remote device." As set forth in the specification at least at page 19, lines 6-16, and as shown in Figs. 1 and 4, the central server system 12 transmits the task selected by the remote device 16 to the connected base computer 14. Upon receipt of the task request, base computer 14 performs the task and transmits the data to the central server system 12. The central

server system 12 then presents the information to the remote device in a manner viewable by the remote device.

The invention recited in the independent Claim 12 relates to "a remote access system" (shown for example in Fig. 1), including, "a server system in operative communication with at least one remote device and at least one base computer responsive to establishment of a respective connection by said base computer and said remote device." The server system in operative communication with at least one remote device is disclosed for example in Figures 1 and 4, and in the specification for example at page 18, lines 4-18. The at least one base computer responsive to establishment of a respective connection by said base computer and said remote device is disclosed for example in Figures 1 and 4, and in the specification for example at 19, lines 11-21 and page 21, line 17 through page 22, line 8.

Claim 12 further recites, "a task transmitter within said central server system for transmitting tasks submitted by said at least one remote device to said at least one base computer," and "a task data receiver within said central server system for receiving task data from said at least one base computers and returned to the remote device." As set forth in the specification at least at page 19, lines 6-16, and as shown in Figures 1 and 4, the central server system 12 transmits the task selected by the remote device 16 to the connected base computer 14. Upon receipt of the task request, base computer 14 performs the task and transmits data to the central server system 12. The central server system 12 then presents the information to the remote device in a manner viewable by the remote device.

Independent Claim 16 is similar to Claim 12, but instead relates specifically to a server such as a central server system 12. Claim 16 recites:

> an intermediary server coupled to a network and a mobile device, the intermediary
> server interpreting a task list including at least one item from the remote device
> and passing the list to a destination agent on a base device in a secure
> environment when the agent on the base device makes itself available for requests
> by logging into the intermediary server and establishing a connection with the
> intermediary server.

The server system coupled to a network and a mobile device is disclosed for example in Figures 1 and 4, and in the specification for example at page 18, lines 4-18. The interpretation of a task list including at least one item from the remote device is shown for example in Figures 1 and 4, and in the specification at least at page 19, lines 6-16. As disclosed there, the central server system 12 receives a task selected by the remote device 16. The application discloses a base station making itself available to receive requests as recited in Figures 1 and 4, and in the specification for example at 19, lines 4-9 and page 21, line 4 through page 22, line 8.

II. THE CLAIMS 1-11 COMPLY WITH 35 U.S.C. § 112, FIRST PARAGRAPH, SPECIFICALLY, THE ENABLEMENT REQUIREMENT.

Appellants respectfully submit that the Claims 1-11 of the present invention comply with 35 U.S.C. §112, first paragraph, specifically the enablement requirement. As described previously, the phrase "remote access server software" is a term of art well understood to mean a specific type of software, not generally software used to access a device remotely.

Both remote access server (RAS) software and remote control server (RCS) software have been described in the Background section of the present application. As described previously, a RAS system employs specialized server software on a RAS server and specialized client RAS software residing on a remote computer. In operation, a user of the remote computer connects to the RAS server via a dial-in telephone connection. Upon connection, the RAS server queries for the user's access credentials (e.g., username and password). Upon authentication of the user's access credentials, the user is granted access to resources on the RAS server and/or resources on the other nodes connected to the RAS server to which the user is authorized access. The RAS software manages the connection process, the authentication process, the access privileges, and the data transfers between the RAS server and the remote computer.

The present invention merely claims to allow communications between remote and base computers without using RAS or RCS systems. Support for this is found based on the background and within the originally filed Claim 1, which specifies that "the remote devices do not include remote access software." (Claim 1) As recited in Claims 1-11, and as described in the specification, communications are established between the remote device and the base computing device, but without using a RAS or RCS system. Instead, the system of the present invention uses a central server system and standard communication interfaces such as a standard web browser.

Thus, there is no contradiction between Claims 1-11 and the Present Specification. The claims recite a system for establishing communications between a remote device and a base computing device that does not use a RAS or RCS system. The system used is described in the specification. Therefore, the rejection with regard to 35 U.S.C. §112, first paragraph should be withdrawn.

III. THE CLAIMS 1-11 COMPLY WITH 35 U.S.C. § 101 AND HAVE PATENTABLE UTILITY.

For the same reasons described above with regard to 35 U.S.C. §112, first paragraph, Claims 1-11 are supported by the Present Specification. Again, the claim language "wherein the remote devices do not include remote access server software or remote control system software," specifically means that the well know RAS software and RCS software are not used by the claimed invention for remotely accessing a base computer from internet-enabled remote devices. Therefore, Claims 1-11 are supported with respect to 35 U.S.C. §112 and have clear utility. Therefore, the rejection of Claims 1-11 under 35 U.S.C. §101 should be withdrawn.

IV. THE CLAIMS 1-9 AND 12-18 ARE NOT ANTICIPATED BY BASTIAN UNDER 35 U.S.C. §102(e).

Specifically, Claims 1-9 each expressly recite features that are not disclosed, taught or suggested in Bastian. Claim 1 recites in part:

> establishing a persistent connection between said central server system and a base computer in response to intermittent contact from said base computer to said central server system. (Claim 1)

Bastian does not teach establishing a <u>persistent connection</u> between said central server system and a base computer <u>in response to</u> intermittent contact from said base computer to said central server system.

Within Examiner's Answer, the Examiner has cited sections of Bastian directed to the station signaling the server via communications service provider network and radio for a data exchange, specifically col. 7, lines 51-67. (Examiner's Answer, page 6) The Examiner has also cited sections of Bastian showing intermittent communications between the server and the station, specifically, col. 3, lines 4-23. (Examiner's Answer, pages 6-7) However, within the cited sections of Bastian, there is still no teaching of establishing a <u>persistent connection</u> between the central server system and the base computer. Furthermore, there is also no teaching of establishing a persistent connection between the central server system and a base computer <u>in response to</u> intermittent contact from said base computer to said central server system. The cited sections merely teach the server determining an appropriate time to initiate a data exchange with the station. Therefore, Bastian still does not teach every element of the claimed invention, and thus, the rejection of Claims 1-9 should be withdrawn.

Similarly, the independent Claim 12, with dependent Claims 13-15, recites in part:

> a server system in operative communication at least one remote device and at least one base computer responsive to establishment of a respective connection by said base computer and said remote device. (Claim 12)

Again, Bastian does not teach at least one base computer responsive to establishment of a respective connection by said base computer. Although Bastian teaches a station signals to the server, Bastian still teaches the server determines the appropriate time to initiate a data exchange with the station. Thus, Bastian does not teach at least one base computer responsive to establishment of a respective connection by said base computer. Therefore, Bastian does not teach every element of the claimed invention, and thus, the rejection of Claims 12-15 should be withdrawn.

Similarly, independent Claim 16, with dependent Claims 17 and 18, recites in part:

> an intermediary server coupled to a network and a mobile device, the intermediary server interpreting a task list...when the agent on the base device makes itself available for requests by logging into the intermediary server and establishing a connection with the intermediary server. (Claim 16)

Bastian does not teach a base device <u>logging into</u> an intermediary server and establishing a connection with the intermediary server. Within the Examiner's Answer, the only explicit citation in response to the previous arguments that this limitation is not taught by Bastian, is **"when station 90 signals to server 20 via communications server provider network 80 and radio 60."** (Emphasis in original) (Examiner's Answer, page 12). However, clearly, there is nothing within the cited section teaching a base device making itself available for requests by <u>logging into</u> the intermediary server and establishing a connection with the intermediary server. Therefore, Bastian still does not teach every element of the claimed invention, and thus, the rejection of Claims 16-18 should be withdrawn.

V.   CONCLUSION

The claims are both enabled by the specification and have patentable utility as described above. The Examiner is simply misinterpreting the meaning of the phrases "remote access server software" and "remote control system software." Furthermore, the claims pending within this appeal include limitations not taught by Bastian. Specifically, Claims 1-9 include a

limitation directed to establishing a <u>persistent connection</u> between said central server system and a base computer <u>in response to</u> intermittent contact from said base computer to said central server system. Claims 12-15 include a limitation directed to at least one base computer responsive to establishment of a respective connection by said base computer. Claims 16-18 include a limitation directed to a base device making itself available for requests by <u>logging into</u> the intermediary server and establishing a connection with the intermediary server. As described above, Bastian does not teach these limitations. In view of the foregoing, it is respectfully submitted that Claims 1-18 (including the independent Claims 1, 12, and 16) are allowable over the teachings of the cited references. Therefore, review of this appeal and a favorable indication is respectfully requested.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

Dated: _Jun 27, 2008_

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